

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>DOCKET NO. 1:06 CR 28</b>
	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
	)	
<b>ADRIAN MARQUESE ADAMS</b>	)	

**THIS MATTER** is before the Court on the parties' joint motion that the Defendant's sentence be reduced pursuant to Rule 35(a), Federal Rules of Criminal Procedure. The parties have waived the statutory seven day requirement.

The Court finds, for the reasons stated in the joint motion, that the proper Guidelines, that is, the November 2003 edition, should have been applied to the Defendant's sentencing. Application of the November 2003 Guidelines would result in a base offense level of 33 with no special offender characteristics or other enhancements. Both parties agree that the Defendant qualified for a three-level reduction for acceptance of responsibility and is a criminal history category II.

The parties have jointly recommended a sentence in the mid-range of the Guideline range. The statutory minimum for the offense is 120 months. Both parties have reiterated the arguments made at the sentencing hearing and believe that the recommendation is an appropriate one.

**IT IS, THEREFORE, ORDERED** that the parties' joint motion pursuant to Fed. R. Crim. P. 35(a) is **ALLOWED**, and the Defendant's sentence is hereby reduced to 120 months imprisonment which is within the appropriate Guideline range. All other terms and conditions of

the original judgment remain in full force and effect. The Clerk shall prepare an amended judgment in accordance with the terms herein.

**IT IS FURTHER ORDERED** that the Clerk transmit this Order electronically, to the United States Attorney, defense counsel, the United States Marshal, the United States Probation Office, and to the Warden of the correctional facility where the Defendant is currently imprisoned; a copy of this Order shall be mailed to the Defendant.

Signed: May 16, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

